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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,912	07/07/2003	Youichi Iijima	50195-373	4333
7590 08/05/2004			EXAMINER	
McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/612,912

Applicant(s)

IIJIMA, YOUICHI

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/7/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Abstract*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the use of legal terminology such "disclosed" should be avoided. Also, the reference numbers should be within parenthesis.

Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mansell et al [5,223,844].

Mansell et al discloses a vehicle tracking and security system. According to Mansell et al, there is provided an on-vehicle transmitter transmitting given information (e.g., theft signal, position, etc.) to a base station (control center) in occurrence of the vehicle being

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stolen (abstract, figures 2A and 2B, column 2), a communication enable area discriminator discriminating to find whether communication is available between the vehicle and the base station (column 3) and a controller or microcomputer controlling the on-vehicle transmitter so as to interrupt the given information from being transmitted when discriminated by the communication enable area discriminator that the vehicle stands outside of a communication area (figure 2B, column 14). According also to Mansell et al, as described in column 3, the communication enable area discriminator monitors a communication status every for given time intervals even in a transmission interruptive state, wherein the controller transmits the given information to the base station when communication is made available, i.e. when the transmitter is in range of a cellular telephone network.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui [US 2003/0151500] in view of Sasaki et al [JP 200118044].

Mitsui discloses a moving object tracking system, such as for tracking a stolen or lost vehicle. According to Mitsui, there is provided an on-vehicle transmitter transmitting given information to a base station (management center) in occurrence of the vehicle

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being stolen [0023], a communication enable area discriminator discriminating to find whether communication is available between the vehicle and the base station (management center) [0023]. See figures 1 and 2. According further to Mitsui, based on the determination (discrimination) that a communication is not available, i.e., the vehicle is outside a communication area, a communication comparison is performed and an appropriate communication is selected. Mitsui, however, does not interrupt the given information from being transmitted. Sasaki et al, on the other hand, discloses a theft informing device, wherein the transmission of the theft signal (given information) is inhibited (interrupted) when the vehicle is outside a communication area. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the moving object tracking system employing a plurality of communication units of Mitsui by incorporating the feature of interrupting the transmission of a given information (e.g., theft signal) from the theft informing device of Sasaki et al because such modification would provide a system that will prevent battery exhausting in transmitting the theft signal when the vehicle is outside a given communication area, while minimizing the cost or charge associated with the transmission (communication).

***Allowable Subject Matter***

7. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art does not particularly disclose that a time interval for transmitting the given information in dependence of the vehicle speed, wherein the time interval is set to be a shortened time interval when the vehicle speed exceeds a given speed and to be an extended time interval when the vehicle speed falls below a given speed.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,742,357	Rackley	May 1988
5,497,149	Fast	Mar. 1996
6,163,695	Takemura	Dec. 2000
6,608,553	Isobe	Aug. 2003
US20030034915	Sasaki et al	Feb. 2003
JP2001184581A	Sasaki et al	Jul. 2001

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER